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SENATE BILL 2733 By
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HOUSE BILL 2804
By McKee

AN ACT to amend Tennessee Code Annotated, Title 41, relative to
correctional institutions and inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, is amended by adding the following
language as a new chapter:

Section 41-25-101.

The state prohibits any private entity from expanding the incarceration of
out-of-state detainees or sentenced prisoners in a jail, prison or correctional
facility in Tennessee by either constructing new facilities or increasing the
number of beds in existing correctional facilities.

Section 41-25-102.

As used in this chapter, unless the context otherwise requires:

(1) "Out-of-state detainees or sentenced prisoners" means any
prisoner detained or sentenced under the sovereign authority and
statutory provisions of a jurisdiction or state other than Tennessee, but

such prisoner is confined in Tennessee by a private entity. "Out-of-state detainees or sentenced prisoners" does not include:

(A) Prisoners in transit and/or being held by the United States Immigration and Naturalization Service, the United States Marshal Service, the United States Drug Enforcement Agency, the Federal Bureau of Prisons; or

(B) Prisoners who are in transit and spend less than twenty-four (24) hours of confinement in a facility in Tennessee;

(2) "Private entity" means any private prison or jail management contractor or not-for-profit prison or jail management authority or entity;

(3) "Department" means the Tennessee department of correction;

(4) "Commissioner" means the commissioner of correction;

(5) "Select oversight committee on corrections" means the committee for oversight of the state's corrections system, created pursuant to § 3-15-101;

(9) "Contractor" means a private entity that contracts with an out-of-state jurisdiction to house out-of-state detainees or sentenced prisoners in a jail, prison, or correctional facility located in Tennessee. In the event that a public entity subcontracts with a private entity to manage and operate a correctional facility, the private entity shall be considered the contractor for the purpose of this chapter.

Section 41-25-103.

The Office of the Comptroller, assisted by the Commissioner of Correction, shall develop a monitoring and reporting process regarding private prison management contracts for incarcerating out-of-state prisoners. The Office

of the Comptroller shall present a status report and any findings to the Select Oversight Committee on Corrections at least once each year.

The monitoring process shall include monitoring the policies, practices, and operational procedures of private prison management contracts housing out-of-state prisoners to assure the safety and security of the general public and minimize the risks to the local community where such facilities are located.

Section 41-25-104.

(a) If an out-of-state detainee or sentenced prisoner, housed and held by a contractor, as provided for under this chapter, is to be released or discharged from custody or incarceration, is released or discharged by any court order, is to be placed on probation, is paroled, or if the federal government or sending state or jurisdiction requests transfer or return of the inmate, the contractor immediately shall transfer or return the inmate to the sending jurisdiction or state which has the legal authority over the sentence or confinement status of the detainee or sentenced prisoner.

41-25-105.

The contractor shall maintain comprehensive liability insurance coverage sufficient to cover any loss to individual citizens resulting from the operation of the private prison.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.